

REMARKS

Claims 1-10, 13-62 and 64-74 are pending in the application. Claims 26-61 have been withdrawn from consideration. Applicants acknowledge the Examiner's finding of allowable subject matter in Claims 2, 4-9, 11, 12, 14-19, 23, 24, 63-69 and 71. Claims 1, 10, 18, 62, 64, 67 and 69 have been amended. New Claims 73 and 74 have been added and include subject matter from allowable claims 2 and 6, respectively. Support for all amendments can be found in the Specification as originally filed. Claims 11, 12 and 63 have been canceled.

REJECTIONS UNDER 35 USC 102(b)

1. Claims 1, 3, 10, 13, 62 and 72 stand rejected under 35 USC 102(b) as being anticipated by Strecker (US Patent 4,696,447, hereinafter "Strecker").

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. See Motorola Inc. v. Interdigital Technology Corp. 43 USPQ2d 1481 (1997 CAFC). It is also well-settled that a 35 USC 102 rejection must rest upon the literal teachings of the reference and that the teachings must disclose every element of the claimed invention in as complete detail as is contained in the claim (See. Jamesbury Corp v. Litton Industrial Products, Inc. 225 USPQ, 253, 256 (CAFC 1985); Kalman v. Kimberly-Clark Corp 218 USPQ 781, 789 (Fed. Cir. 1983)).

Further, it is also a well-settled U.S. law that if an invention is anticipated under inherency, the invention must flow as a necessary conclusion from the prior art, not just a possible one. The fact that the prior art *may* possibly have the same features as the claimed invention will not substantiate a finding of inherency (*In re Oerlich*, 212 USPQ 323, 326 (CCPA 1981)). Further, in relying upon the theory of inherency, the Examiner must provide, a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art. (*Ex parte Levy*, 17 USPQ2d 1461, 1465 (Bd. Pat. Appl. & Inter 1990)).

Claim 1 has been amended to include a fill station comprising: a mounting plate; and a holding assembly connected to the mounting plate for supporting a medical fluid container, the holding assembly comprising a fixed support and a movable support, the movable support movable between an engaged position supporting the body of the at least one medical fluid container for maintaining the medical fluid container in the holding assembly and a disengaged position out of contact with the body of the medical fluid, wherein at least a portion of the moveable support is disposed within the fixed support. Shrecker does not disclose Applicants' invention including wherein at least a portion of the moveable support is disposed within the fixed support. Accordingly, Claim 1 is believed to be allowable. Further, Claims 2-9 depend from Claim 1, which as discussed is believed to be allowable, thus Claims 2-9 are also believed to be allowable.

Claims 10 and 62 have been amended to include allowable subject matter of canceled Claims 11 and 12, and canceled Claim 63, respectively. Accordingly, Claim 10 and Claims 13-19, which depend from Claim 10, are believed to be allowable; and Claim 62 and Claims 64-72, which depend from Claim 62, are believed to be allowable. Reconsideration of Claims 1-9, 10, 13-19, 62 and 64-72 is requested.

2. Claims 20-22, and 25 stand rejected under 35 USC 102(b) as being anticipated by Shelley (US Patent 4,957,260, hereinafter "Shelley").

Applicants' inventions of Claims 20-25 is directed to a fill station comprising a mounting plate; and a holding assembly connected to the mounting plate for supporting a medical fluid container, the holding assembly comprising a substantially rectangular shaped fixed support connected to the mounting plate for receiving and supporting the medical fluid container, the fixed support comprising an inclined inner support for supporting the body of the medical fluid container.

Applicant's invention includes the novel features in Figures 18 and 19. A fill station 1610 adapted for use in the loading system 1200 of Figures 8 and 9. The fill station 1610 includes a mounting plate 1612 and a holding assembly 1614 that supports a medical fluid container 1616. The holding assembly 1614 is also comprised of a single fixed support 1618. In the fill station 1610 shown in Figures 18 and 19, the fixed support 1618 is substantially rectangular shaped and connected (i.e., mounted) directly to the mounting plate 1612. (Specification , para 142)

Shelley discloses in FIGS. 1, 1A and 2, a unitary mounting bracket 10 formed of stainless steel or suitable plastic material. It consists of an elongated base 12 formed with a rectangular planar mounting portion 13, having a mounting surface 14 with two apertures 16, 17, suitable for insertion of mounting screws. (Col. 3, lines 5-9) Further, Shelley discloses at the lower end 26 of unitary mounting bracket 10 is a pair of elongated arms 28, 30 having a space 32 therebetween. These arms preferably have some resilience to allow cooperation with spring portion 20 in holding a canister. The space between the arms has sufficient width to allow insertion of an elongated nipple actuator 56 of a gas-pressurized canister 54. Spring portion 20 generally normal to mounting portion 13, and arms 28, 30 are slightly raised from the normal to enhance their ability to restrain a canister from being accidentally dislodged once held in the mounting bracket. (Col. 3, lines 16-27)

Thus, Shelley does not disclose every element of Applicants' invention including the holding assembly comprising a substantially rectangular shaped fixed support connected to the mounting plate for receiving and supporting the medical fluid container or the fixed support comprising an inclined inner support for supporting the body of the medical fluid container. Therefore, Claim 20 is believed to be allowable. Accordingly, Claims 21-25 depend from Claim 20, therefore reconsideration of Claims 20-25 is requested.

REJECTIONS UNDER 35 USC 103

Claim 17 stands rejected under 35 USC 103(a) as being unpatentable over Strecker. This rejection should be withdrawn in view of the remarks made herein.

Claim 17 depends from Claim 10, which as discussed is believed to be allowable. Accordingly, Claim 17 is believed to be allowable and reconsideration is requested.

In view of the above amendments and remarks, Applicants submit that the claims are in condition for allowance and the Examiner would be justified in allowing them.

Respectfully submitted,

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I hereby certify that this correspondence is being submitted electronically to the United States Patent and Trademark Office on February 6, 2007.


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Signature